



MINUTES

**BRYAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, AUGUST 16, 2007
AT 6:00 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer: *The meeting minutes herein are a summarization of meeting proceedings, not a verbatim transcription.*

1. CALL TO ORDER

Chairperson Hughes called the workshop meeting to order at 6:06 p.m.

Commission members present were: Mr. Michael Beckendorf, Mr. Johnny Bond, Mr. John Clark (Vice Chairperson), Mr. Ralph Davila, Mr. Robert Horton, Mr. Art Hughes (Chairperson), Mr. G.H. Jones, Mr. Don Maxwell (Parliamentarian), and Mr. Michael Parks.

Commission members absent were: none.

Staff members present were: Mr. Kevin Russell, Director of Development Services; Ms. Lindsey Guindi, Planning Manager; Mr. Martin Zimmermann, Senior Planner; Mr. Randy Haynes, Staff Planner; Ms. Janis Hampton, Assistant City Attorney; and Mr. Rodney Schmidt, Executive Management Intern.

2. HEAR CITIZENS

No one came forward.

3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST

No affidavits were filed.

4. CONSENT AGENDA (Items may be removed at the request of two Commission members.)

A. Approval of minutes from the workshop and regular meetings on August 2, 2007.

B. CONSIDERATION – Final Plat FP07-16

M. Zimmermann

Proposed final plat of American Subdivision – Phase 2, being 6.12 acres of land adjoining the east side of North Texas Avenue, approximately 760 feet south from its intersection with State Highway 21 in Bryan, Brazos County, Texas.

C. CONSIDERATION – Master Plan MP06-08

M. Zimmermann

Proposed master plan of Hudson at University Subdivision, being 44.59 acres of land out of Richard Carter Survey, A-8, adjoining the north side of University Drive East between State Highway 6 and Coppercrest Drive in Bryan, Brazos County, Texas.

Commissioner Jones moved to approve the Consent Agenda. Commissioner Parks seconded the motion.

Chairperson Hughes opened the discussion on the Commission.

Commissioner Parks moved to amend the motion to approve the Consent Agenda to include the changes to the regular meeting minutes of August 2, 2007 he requested during the workshop meeting. Commissioner Bond seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion to amend the original motion passed with a unanimous vote.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The amended motion to approve the Consent Agenda passed with a unanimous vote.

REQUEST FOR APPROVAL OF RESUBDIVISION (Commission has final approval; appeals may be directed to City Council.)

5. PUBLIC HEARING/CONSIDERATION – Replat RP07-21

R. Haynes

Proposed replat in Block 6 of Henderson Addition, being 0.3912 acres of land located at the south corner of San Jacinto Lane and Lucky Street in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner presented a staff report (on file in the Development Services Department). Mr. Haynes stated that the proposed replat of Lots 10, 11 and 12 in the Henderson Addition combines these three lots in to one new lot (proposed Lot 10R). The Site Development Review Committee and Staff recommend approving this proposed replat in the Henderson Addition.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Maxwell moved to approve Replat RP07-21, as requested. Commissioner Jones seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

REQUEST FOR APPROVAL OF REZONING (Commission makes recommendation; City Council has final approval.)

6. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-34

R. Haynes

A request to change the zoning classification from a combination of Planned Development – Mixed District (PD-M) and Agricultural-Open District (A-O), to Retail District (C-2) on approximately 206 acres of land adjoining the northeast side of State Highway 47, southeast of its intersection with West Villa Maria Road in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner presented a staff report (on file in the Development Services Department). Mr. Haynes stated that Traditions Club L.L.C. is requesting to change the zoning on their 28 acres of land to Retail District (C-2) to eliminate the now obsolete PD-M zoning and to allow retail commercial development on their property on State Highway 47. The City of Bryan proposes to expand Traditions Club L.L.C.'s request for C-2 zoning to also include adjacent 172+ acres which represents most of the Health Science Center property and which is currently zoned Agricultural Open District (A-O). Staff recommends approving C-2 zoning on all land encompassed within this request, because:

- Staff contends that retail, professional and office uses at this location will generally be compatible with land uses for surrounding properties, as envisioned by the Comprehensive Plan. C-2 Zoning will also create a more orderly zoning pattern and allow for a more useful and orderly urban development in this vicinity; and
- Staff is confident that C-2 zoning will accommodate most (if not all) uses that may locate here as part of the Health Science Center project. Staff believes that C-2 zoning will provide the required flexibility for public and private investors developing in the area, while protecting the overall project and nearby properties from more intense uses.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Beckendorf moved to recommend approval of Rezoning RZ07-34, as requested, accepting the findings of staff. Commissioner Jones seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

REQUESTS FOR APPROVAL OF VARIANCE (Commission has final approval; appeals may be directed to City Council.)

7. PUBLIC HEARING/CONSIDERATION – Planning Variance PV07-27

R. Haynes

A request for approval of a 6-foot variance from the minimum 25-foot front building setback generally required on lots in residential zoning districts, to legitimize previous construction of a porch addition setback 19 feet from the front property line of property at 816 Mitchell Street, occupying Lot 11 and parts of Lot 12 in Block 21 of the Mitchell-Lawrence-Cavitt Subdivision in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes stated that the applicant is requesting a 6-foot variance from the 25-foot building setback required on this property, to legitimize previous construction of a porch addition which is setback only 19 feet from the front property line. No building permit or plan review was obtained for the porch prior to construction. The property owner states in his application that he hired an independent contractor to build the addition and was told no permit was needed. The porch is unfinished and encroaches six feet into the front setback. Staff recommends denying this request for variance, because staff believes

- that approving the requested variance will diminish open space available on this site;
- that approving the requested variance will adversely affect the physical character of development on this lot and in the entire neighborhood; and
- that the public benefit from continued compliance with minimum building setback standards, in this particular circumstance, is greater than requiring the owner/applicant to remove or modify the unlawfully constructed porch addition.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Maxwell moved to approve Planning Variance PV07-27 for the sole purpose of legitimizing the existing structure, namely an open porch and for no other purpose, namely further development of said structure and/or construction of any other structure on this property, based on the following findings:

- that granting the variance will not be detrimental to public health, safety, welfare, or materially injurious to other properties in the area because there are other structures in the area that block sight distance more than this structure and provide more congestion;
- that granting the variance will not be injurious to adjacent properties because it does not restrict parking, does not cause people to park in the right-of-way, and is not an obstruction; and
- that modifying and/or removing this structure will impose greater hardship and difficulty upon the applicant than any benefit that may be derived to the general public through compliance with applicable ordinances.

Commissioner Maxwell added that this variance approval applies only to this particular case and should not be construed as an amendment to applicable ordinances. Commissioner Maxwell reminded the applicant that any code violation created by the construction of this structure must be corrected in due course and that all fees and penalties resulting from failure to obtain building permits for said structure must be paid in accordance with existing City of Bryan regulations.

Commissioner Jones seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

Commissioner Clark stated that he liked the wording of the motion because it helps the Commission maintain the right to look at each case individually.

The motion passed with a unanimous vote.

8. PUBLIC HEARING/CONSIDERATION – Planning Variance PV07-32 M. Zimmermann

A request for a variance from the minimum number of off-street parking spaces required for restaurants, to allow a proposed restaurant with 4,986 square feet of gross floor area to provide 53 instead of 62 off-street parking spaces on two tracts at the southwest and northwest corners of W. Martin Luther King Jr. Street and North Sims Avenue, being Lot 4R in Block 165 and the southern parts of Lots 4 and 5 in Block 166 of Bryan Original Townsite in Bryan, Brazos County, Texas.

Mr. Martin Zimmermann, Senior Planner presented a staff report (on file in the Development Services Department). Mr. Zimmermann stated that the applicant, Mr. Herbert Carter, has been working toward developing a restaurant at the intersection of West Martin Luther King Jr. Street and North Sims Avenue for many years. The most recent site plan for development proposes a new restaurant building with almost 5,000 square feet of floor area. Off-street parking standards require a minimum of 62 off-street parking spaces for a restaurant of this size. The applicant is requesting a variance from this standard to be allowed to provide only 53 off-street parking spaces. Staff recommends approving the requested variance based on the following findings:

- Staff contends that strict enforcement of off off-street paring requirements, in this particular case, will deprive the applicant of the reasonable retail (restaurant) use of his land, which is a desirable

and appropriate use at this particular location where two major streets, Martin Luther King Jr. Street and North Sims Avenue, intersect.

- Staff contends that the applicant has exhausted every opportunity to provide the minimum number of off-street parking spaces for the proposed restaurant use. This included acquiring adjacent properties and providing off-site parking on property across the street. Staff therefore contends that granting the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant.
- Approving the requested variance will allow useful infill development in Bryan's oldest neighborhood. Staff contends that the proposed development will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity. In fact, staff believes that the applicant's investment may contribute to similar investment on vacant properties in this vicinity, and, therefore, contribute to the orderly development of land in this vicinity.

The public hearing was opened.

Mr. Herb Carter, 404 W. Martin Luther King Jr. Street, Bryan, Texas, came forward to speak in favor of the request. He believes that his restaurant will encourage more development in Bryan.

The public hearing was closed.

Commissioner Jones moved to approve Planning Variance PV07-32, as requested, accepting the findings of staff. Commissioner Clark seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

REQUESTS FOR APPROVAL OF CONDITIONAL USE PERMIT (Commission has final approval; appeals may be directed to City Council.)

9. PUBLIC HEARING/CONSIDERATION – Conditional Use Permit CU07-03 L. Guindi

A request for a conditional use permit to allow an apartment complex in a Commercial District (C-3) on approximately 5.29 acres of land located near the intersection of East William Joel Bryan Parkway and East Villa Maria Road at the proposed future intersection of Broadmoor Drive and Nash Street in Bryan, Brazos County, Texas.

Ms. Lindsey Guindi, Planning Manager, presented a staff report (on file in the Development Service Department). Ms. Guindi stated that the applicants/property owners desire to develop these 5.29 acres of land with 171 apartment units intended for an age-restricted multi-family community (proposed Briar Meadows Creek Subdivision – Phase 3). Staff recommends approving the requested Conditional Use Permit based on the following findings:

- The proposed multi-family development will conform to all applicable regulations and standards established by the Zoning Ordinance and the Land and Site Development Ordinance.

- Staff contends proposed apartments will be compatible with existing uses in the area, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features. Staff believes allowing an apartment complex at this particular location will provide a useful transition between existing and proposed low-density residential uses south of the subject property and future nonresidential uses north of the subject property along East William Joel Bryan Parkway.
- Staff believes the proposed apartments will not adversely affect the safety and convenience of vehicular and pedestrian circulation in this vicinity, considering existing zoning and land uses in the area. The apartments will be directly served by a collector street (Nash) and conveniently located near two arterial streets (Villa Maria and William J. Bryan).
- Staff is unable to identify any adverse impacts that may result from the construction of the proposed apartments.
- Adequate and convenient off-street parking will be provided on the premises in accordance with the Land and Site Development Ordinance.
- Staff contends the proposed apartments meet the objectives and purpose of the commercial zoning district within which they are proposed to be located.

The public hearing was opened.

Mr. Rob Birchfield, applicant, came forward to speak in favor of the request. Mr. Birchfield gave a presentation on the development plan for the apartment complex which is planned to be an age-restricted community (55 and older).

Ms. Caron Cruse, 2605 Trophy Drive, Bryan, Texas, came forward to speak in opposition to the request. She stated that she is concerned about low-income residents living in the complex and how the complex will further increase the traffic congestion in the area.

Ms. Diane Klebenow, 2602 Trophy Drive, Bryan, Texas, came forward to speak in opposition to the request. She stated that three-story buildings will be out of place in a predominantly one-story community. She also stated that the new development will further increase the traffic congestion in the area.

Ms. Pat Cruse, 2603 Leila Court, Bryan, Texas, came forward to speak in opposition to the request. She stated that the new development will further increase the traffic congestion in the area.

Ms. Donna Dunlap, 2601 Leila Court, Bryan, Texas, came forward to speak in opposition to the request. She stated that when she moved into her home, she was told that the piece of property the new development will be built on was going to be used for commercial use, not apartments. She stated that she was upset when she found out that apartments may go in there.

Mr. John Prihoda, 2809 E. Villa Maria, Bryan, Texas, came forward and asked about access to and from the proposed apartment complex. Ms. Guindi addressed his concern.

Ms. Bertha Baker, 2608 Louisa Court, Bryan, Texas, came forward to speak in opposition to the

request. She stated that she was told that the new development would be a nursing home which it will not be. She also stated that the new development will further increase the traffic congestion in the area.

Mr. Chris Peterson, 3702 Oak Ridge, Bryan, Texas, representing the applicant, came forward to speak in support of the request. He stated that the area is zoned C-3 and could be used for something much more intense than a multi-family development which would cause a much larger problem for traffic in the area. He also stated that the proposed apartments will be an asset for the growth of TIRZ #19 of which it is a part.

Ms. Susan Lucas, 2602 Louisa Court, Bryan, Texas, came forward to speak in opposition to the request. She stated that she wants to see the developers scale back the size and number of dwellings planned for the area.

The public hearing was closed.

Commissioner Beckendorf moved to approve Conditional Use Permit CU07-03, as requested, accepting the findings of staff. Commissioner Jones seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

Commissioner Beckendorf stated that since all of the residents of the community will be over 55 years of age, it is unlikely that they would contribute to a traffic problem in the area.

Commissioner Clark stated that a community for the elderly is a great use for this property.

Commissioner Maxwell stated that he was concerned with possible traffic issues associated with the property.

Commissioner Horton stated that he is glad that Nash Street is being put in but feels that Broodmoor Drive may be misused in the future by drivers.

Commissioner Parks voiced his concern about the front setback off of Nash Street. Ms. Guindi commented that those concerns had been taken into consideration and addressed by staff.

Commissioner Davila stated that an elderly community is a great use for this property.

Commissioner Parks stated that there needs to be more housing for senior citizens.

Chairperson Hughes stated that a community for the elderly is a great use for this property.

The motion passed with a unanimous vote.

Chairperson Hughes called a recess at 7:34 p.m.

The Commission reconvened at 7:41 p.m.

10. PUBLIC HEARING/CONSIDERATION – Conditional Use Permit CU07-10

R. Haynes

A request for a conditional use permit to allow a mini storage facility in a Retail District (C-2) on 1.1 acres of land adjoining North Avenue between Holick Street and South Texas Avenue, being Lot 8R in Block 2 of Ramsey Place Subdivision in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes stated the applicant is requesting approval of a Conditional Use Permit to allow construction of a mini storage facility within a Retail (C-2) zoning district. Staff recommends approving this Conditional Use Permit because:

- Staff believes the proposed mini storage use is compatible and in fact complementary to the existing residential uses abutting the subject property. The use is less intense than the retail center to its east and will provide a desirable buffer for the homes along Holick Street.
- Staff believes the proposed mini storage use will generate significantly less vehicle traffic than many of the uses permitted by right in the C-2 zoning district. The number of trips per day to and from this business will be low relative to many retail uses.
- Staff contends the proposed mini storage project meets the objective and purpose of the retail zoning district within which it is proposed to be located. Given the compact and space efficient design placing all users of the facility on the far side of this 100 foot wide lot, the project will serve as an excellent buffer to the residential uses adjacent.

The public hearing was opened.

Mr. Christian Galindo, 3107 Rolling Glen, Bryan, Texas, representing the applicant, came forward to speak in favor of the request. Mr. Galindo stated that the storage facility does have a “T” turn around location for large vehicles and vehicles pulling trailers.

Mr. Marvin Martin, 3101 Maloney, Bryan, Texas, came forward to speak in opposition to the request. He feels that the construction of the mini storage facility could possibly harm his nearby property, especially lighting.

The public hearing was closed.

Commissioner Horton moved to approve Conditional Use Permit CU07-10, as requested, accepting the findings of staff. Commissioner Jones seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

Commissioner Clark stated his hopes that the developer will be sensitive to the lighting concerns expressed by Mr. Martin.

Chairperson Hughes stated that land maintenance on vacant lots is usually worse than on occupied lots.

The motion passed with a unanimous vote.

11. PUBLIC HEARING/CONSIDERATION – Conditional Use Permit CU07-11

R. Haynes

A request for a conditional use permit to allow a nightclub (bar) in a Retail District (C-2) on property located at 3601 East 29th Street, Suite 11, occupying part of Lot 10 in Block 2 of Greenfield Plaza Subdivision in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes stated that the applicants are requesting approval of a Conditional Use Permit, to allow operation of a nightclub/bar in the Greenfield Plaza retail center. The proposed bar will occupy one suite of approximately 2000 square feet in the existing shopping center. Staff recommends approving this Conditional Use Permit because:

- With approval of a Conditional Use Permit, the proposed nightclub/bar will conform to all applicable regulations and standards established by the Zoning Ordinance.
- Staff believes the proposed nightclub/bar is compatible with existing retail and multi-family land uses surrounding the subject property. Staff contends that the proposed use at this particular location conforms to the land use recommendations of the Comprehensive Plan. The existing retail shopping center, only 2000 square feet of which is proposed to be used as nightclub/bar, is surrounded by land zoned for (and occupied by) multi-family residential uses. Staff does not believe that the proposed bar will have any disturbing effects on the overall character and comfort of the surrounding environment.
- Staff believes considering existing zoning and land uses in the area, the proposed bar will not adversely affect the safety and convenience of vehicular and pedestrian circulation in this vicinity.
- Staff was unable to identify any adverse impacts that may result from permitting the proposed bar. Adequate and convenient off-street parking is provided on the premises.
- Staff contends the proposed bar meets the objectives and purpose of the C-2 zoning district within which it is proposed to be located.

The public hearing was opened.

Ms. Doris Baird, 4900 Park Hampton Drive, Bryan, Texas, came forward to speak in favor of the request. She stated that the intent of the bar is to be a quiet place where working people can relax.

Mr. David Alexander, 1602 Laura Lane, College Station, Texas, came forward to speak in favor of the request. He stated that, being the owner of the property where the bar would be located, he would not allow a bad establishment to be put in because it would negatively impact his business. He stated that he would not allow a patio or outdoor facility to be added to the bar.

The public hearing was closed.

Commissioner Parks moved to deny Conditional Use Permit CU07-11, based on the following findings:

- **that the bar will create a parking issue in the shopping center where it is proposed to be located;**

- that the public safety will not be served by allowing a bar at this location; and
- that the bar is not compatible with surrounding land uses.

Commission Beckendorf seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

Commissioner Parks stated that the bar would not preserve the character of the residential neighborhood it would be close to.

Commissioner Bond stated that he is opposed to the bar at that location because of its proximity to Bryan High School.

Commissioner Davila stated that if the conditional use does not get approved, a restaurant can come into that same property and serve alcohol and not need a conditional use permit.

Commissioner Beckendorf stated that he is concerned about how close it is to Bryan High School where events go on at varying hours of the day and night.

Commissioner Maxwell stated that he is concerned about the parking accommodations for the bar.

The motion passed with a vote of seven (7) in favor and two (2) in opposition. Commissioners Davila and Maxwell cast the votes in opposition.

12. PUBLIC HEARING/CONSIDERATION – Conditional Use Permit CU07-12

R. Haynes

A request for a conditional use permit to allow two manufactured homes on two individual lots of at least one acre in size on property in an Agricultural Open District (A-O), specifically on property at 2307 Tabor Road, being Lots 2 and 3 of Stanford Addition in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes stated that the applicants are requesting approval of a Conditional Use Permit to allow construction of two manufactured homes, each on a separate lot at this location. The property has been recently subdivided into two lots. The site plan showing the location and services to these two dwellings has been approved by the SDRC. Staff recommends approving this Conditional Use Permit based on the following findings:

- Staff believes the proposed manufactured homes are compatible with existing residential uses abutting the subject property, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features.
- Staff believes the proposed manufactured homes will not adversely affect the safety and convenience of vehicular and pedestrian circulation in this vicinity. During the platting review process, access to the property from Tabor Road was limited in order to improve vehicular and pedestrian safety.
- Staff was unable to identify any adverse impacts that may result from the construction of the proposed manufactured homes.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Bond moved to approve Conditional Use Permit CU07-12, as requested, accepting the findings of staff. Commissioner Jones seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

13. COMMISSION CONCERNS

There were none.

14. ADJOURN

Without objection, Chairperson Hughes adjourned the meeting at 8:42 p.m.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the **6th** day of **September, 2007**.

Art Hughes, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

Lindsey Guindi, Planning Manager and
Secretary to the Planning and Zoning
Commission